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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,786	07/16/2002	Klaus Ulrich Klosa	FREI.P-052	9616

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OPPEDAHL & OLSON LLP
P.O. BOX 4850
FRISCO, CO 80443-4850

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/070,786	Applicant(s) KLOSA ET AL.	
	Examiner Courtney D. Fields	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27,29,41-49,53,57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27,29,41-49,53,57 and 58 is/are rejected.
- 7) ☒ Claim(s) 38-40 and 50-52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12 April 2002, March 11, 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 54-56 have been cancelled.
2. Claims 29-53 have been amended.
3. Claims 57-58 have been added.
4. Claims 29-53 and 57-58 are pending.

Information Disclosure Statement

5. The Information Disclosure Statements respectfully submitted on 11 March 2002 and 12 April 2002 have been considered by the Examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 29,31-32,42-45, 48, and 57-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Eberhand (US Patent No. 5,473,689).

Referring to the rejection of claims 29,57,and 58, Eberhand discloses a method, mobile data carrier, and a read and write station wherein initialization data are generated in an authorization process in a secure environment at an authorization authority by means of authorization means and the initialization data are sent over a network in a secure communication according to security rules corresponding to the authorization system to a authorized read and write station (See Column 3, lines 3-23) where the mobile data carriers are initialized with the initialization data and/or that the

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initialization data are over the network to a read and write station by means of which the read and write station is initialized (See Column 3, lines 24-36)

Referring to the rejection of claims 31 and 48, Eberhand discloses the claimed limitation wherein the authorization means are consisting of special authorization identification media or authorization data (See Column 3, lines 37-41)

Referring to the rejection of claim 32, Eberhand discloses the claimed limitation wherein a non-authorized decentralized read and write station at first transformed into an authorized read and write station by means of function authorization data which are contained in the initialization data, and which is capable of initializing mobile data carriers (See Column 4, lines 3-9)

Referring to the rejection of claim 43,44, and 45, Eberhand discloses the claimed limitation wherein initialization a user authorization or personal data is effected by the read and write station or by its owner an identification authorization means is required (See Column 3, lines 45-67, Column 4, lines 1-2)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 30,33-37,41-42, 46-47,49, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberhand (US Patent No. 5,473,689) in view of Sciupac (US Patent No. 6,871,278).

Referring to the rejection of claim 30, Eberhand discloses everything claimed as applied to claim 29, however Eberhand fails to explicitly disclose an authorization authority formed by a host computer or by a remote read and write station. Sciupac discloses the claimed limitation wherein the authorization authority is formed by a host computer or by a remote authorization read and write station (See Column 4, lines 4-12)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eberhand's method for authenticating mobile data carriers with Sciupac's passive storage media system, such as optical memory cards. Motivation for such an implementation would enable both hardware and software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Column 2, lines 21-28)

Referring to the rejection of claims 33-34, Eberhand discloses everything claimed as applied to claim 29, however Eberhand fails to explicitly disclose authorization authorities with the same or different levels. Sciupac discloses the claimed limitation wherein within the framework of the authorization system several authorization authorities with the same and/or with differing levels are provided (See Column 4, lines 29-45)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eberhand's method for authenticating mobile data carriers with Sciupac's passive storage media system, such as optical memory cards. Motivation for such an implementation would enable both hardware and

software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Column 2, lines 21-28)

Referring to the rejection of claims 35, 49, and 53, Eberhand discloses everything claimed as applied to claim 29, however Eberhand fails to explicitly disclose initialization data sent to the decentralized read and write stations through more than one network level and/or through more than one authorization authority. Sciupac discloses the claimed limitation wherein initialization data are sent to the read and write stations or to the decentralized read and write stations through more than one network level and/or through more than one authorization authority (See Column 4, lines 4-12)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eberhand's method for authenticating mobile data carriers with Sciupac's passive storage media system, such as optical memory cards. Motivation for such an implementation would enable both hardware and software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Column 2, lines 21-28)

Referring to the rejection of claims 36 and 41, Eberhand discloses everything claimed as applied to claim 29, however Eberhand fails to explicitly disclose a secure private network. Sciupac discloses the claimed limitation wherein the initialization data are sent over a secure private network (See Column 6, lines 27-35)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eberhand's method for authenticating mobile data carriers with Sciupac's passive storage media system, such as optical memory

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cards. Motivation for such an implementation would enable both hardware and software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Column 2, lines 21-28)

Referring to the rejection of claims 37 and 42, Eberhand discloses everything claimed as applied to claim 29, however Eberhand fails to explicitly disclose a public network with encryption. Sciupac discloses the claimed limitation wherein the initialization data are sent over an open public network with an encryption and security gates on both sides (See Column 6, lines 45-58)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eberhand's method for authenticating mobile data carriers with Sciupac's passive storage media system, such as optical memory cards. Motivation for such an implementation would enable both hardware and software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Column 2, lines 21-28)

Referring to the rejection of claim 46, Eberhand discloses everything claimed as applied to claim 29, however Eberhand fails to explicitly disclose an application micro-processor. Sciupac discloses the claimed limitation wherein the mobile data carriers comprise an application micro-processor for the processing of application program data (See Column 3, lines 20-33)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eberhand's method for authenticating mobile data carriers with Sciupac's passive storage media system, such as optical memory

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cards. Motivation for such an implementation would enable both hardware and software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Column 2, lines 21-28)

Referring to the rejection of claim 47, Eberhand discloses everything claimed as applied to claim 29, however Eberhand fails to explicitly disclose contact-less, active or passive identification media. Sciupac discloses the claimed limitation wherein the data carriers are designed as contact-less, active or passive identification media (See Column 4, lines 57-67, Column 5, lines 1-42)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eberhand's method for authenticating mobile data carriers with Sciupac's passive storage media system, such as optical memory cards. Motivation for such an implementation would enable both hardware and software/firmware security measures to deny unauthorized access to cryptographic keys and to prevent interception of decrypted data streams (See Column 2, lines 21-28)

Allowable Subject Matter

10. Claims 38-40, 50-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Santbrink et al. (US Patent No. 6,014,088) discloses a method and system for contactless exchange of information between a read/write unit and at least one information carrier, using wireless radiofrequency signal transmission including an input/output circuit and associated coil device and the information carrier including another input/output circuit and associated coil device, and each further including a processing circuit.

Hautvast et al. (US Patent No. 5,043,562) discloses a datacard arrangement in an apparatus in which several datacards are used simultaneously, including a datacard receptacle designed to receive two datacards, and two datacards lying one on the other inserted into a data transmittal position in the datacard receptacle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



cdf

September 12, 2006


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER